



SO ORDERED.

SIGNED this 24 day of February, 2010.



Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

**ARTHUR S. PRITTS,
DAWN M. PRITTS,**

**CHAPTER 7
CASE NO. 09-09738-8-RDD**

DEBTORS

**ORDER DENYING DEBTORS' MOTION FOR EXEMPTION
EXEMPTION FROM FINANCIAL MANAGEMENT COURSE**

Pending before the court is a Motion for Exemption from Financial Management Course (the "Motion") filed by Arthur S. and Dawn M. Pritts (the "Debtors") on February 4, 2010. Pursuant to the Motion, the Debtors request the Court grant Mr. Pritts a waiver of the requirement of completion of the financial management course based on his incarceration.¹

Pursuant to Section 727(a)(11) of the Bankruptcy Code, a debtor shall receive a discharge, unless the debtor fails to complete an instructional course concerning personal financial management. Section 727(a)(11) further provides that a debtor is not excepted from a discharge if such debtor is a person described in Section 109(h).

¹ Mrs. Pritts completed the financial management course on February 10, 2010 and a copy of the certificate of completion has been filed with this Court.

Section 109(h)(4) describes a person as a debtor that is unable to complete an individual or group briefing because of “incapacity, disability, or active military duty in a military combat zone... ‘incapacity’ means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and ‘disability’ means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).”

Mr. Pritts is not in the military; instead, he is currently incarcerated. Due to his incarceration, Mr. Pritts is unable to attend the financial management course.² He is prevented from obtaining the financial management course based on his personal circumstances and not due to any incapacity or disability as defined by the Bankruptcy Code. *In re Cox*, 2007 Bankr. LEXIS 4162 *5-6 (Bankr. M.D. Ga. November 29, 2007). The restrictions on Mr. Pritts are placed on him by the state and not by some physical impairment. *Id.* Therefore, based on the Motion, no basis exists for the Court to grant Mr. Pritts an exemption from the financial management course.

The Motion for Exemption from Financial Management Course is **DENIED**.

SO ORDERED.

END OF DOCUMENT

²The Motion fails to address if Mr. Pritts has explored the options of participating in a telephone or Internet briefing as allowed by Section 109(h).